

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-23524 - APPLICANT: FF DEVELOPMENT, LP - OWNER: FAIRFIELD CENTENNIAL, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-20480) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-23524 - Staff Report Page One
September 13, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a retaining wall height of 12 feet where the maximum retaining wall height is six feet on the north, south and east property lines, and to allow a total height of 15.5 feet where the maximum total height of retaining and screening walls is 12 feet for a proposed 414-unit condominium development on 15.5 acres on the south side of Centennial Parkway, approximately 340 feet east of Puli Road. The applicant requests deviations of zero to 100 percent from Title 19 standards.

A Site Development Plan Review (SDR-20480) has been approved on this site for multi-family residential development. During the engineering phase of the project, the applicant realized that the topography of the site could require up to 12-foot retaining walls. With the proposed screening fences added, the total height of these walls is 15.5 feet. These are shown on the accompanying tentative map request (TMP-23524). The recommendation is for denial, as some of the visual impact of the walls can be mitigated by stepping and landscaping. In addition, the building layout contributes to the height of the walls on the perimeter, as the difference in existing and proposed grades must be made up on the edge of the development instead of on site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
07/20/05	The City Council approved an Annexation (ANX-5163) of approximately 60 acres generally located south of Centennial Parkway, east of Puli Drive. The Planning Commission and staff recommended approval. The effective date was 07/29/05.
08/11/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Variance (VAR-7539) to allow a reduction in the amount of required open space in conjunction with a proposed single-family residential development on the subject site. Staff had recommended denial of the Variance.
09/07/05	The City Council approved a Rezoning (ZON-7536) from U (Undeveloped) [PCD (Planned Community Development) Master Plan Designation] to R-PD8 (Residential Planned Development – 8 Units per Acre) and a Site Development Plan Review (SDR-7537) for a proposed 120-lot single-family residential development on 15 acres encompassing the subject site. The Planning Commission recommended approval. Staff recommended denial of both requests.

VAR-23524 - Staff Report Page Two
September 13, 2007 - Planning Commission Meeting

06/07/06	The City Council approved a Rezoning (ZON-12345) from U (Undeveloped) [PCD (Planned Community Development) Master Plan Designation] under Resolution of Intent to R-PD8 (Residential Planned Development – 8 Units Per Acre) to PD (Planned Development) and a Site Development Plan Review (SDR-12342) for a proposed 118-lot single family residential development on the subject site. The Planning Commission and staff recommended approval of both requests.
06/22/06	The Planning Commission approved a Tentative Map (TMP-13538) for a proposed 118-lot single-family residential subdivision. Staff recommended approval.
12/20/06	The City Council approved a Petition of Vacation (VAC-17077) to vacate U.S. Government Patent Easements generally located south of Centennial Parkway, west of Shaumber Road. The Planning Commission and staff recommended approval.
02/09/07	Staff administratively approved a Final Map Technical Review (FMP-19136) for a proposed 118-lot single-family residential subdivision on the subject site. This map has not been submitted for Mylar review or recorded as of 08/21/07.
06/20/07	The City Council approved a General Plan Amendment (GPA-20474) to change the land use designation from PCD (Planned Community Development) to H (High Density Residential); a Rezoning (ZON-20479) from PD (Planned Development) to R-4 (High Density Residential); a Variance (VAR-20472) to allow building heights of three stories and 44 feet where two stories and 35 feet is the maximum height allowed; and a Site Development Plan Review (SDR-20480) for a 414-unit multi-family residential development on the subject site. The Planning Commission recommended approval. Staff recommended denial of all items.
09/13/07	The Planning Commission will consider a companion item, a Tentative Map (TMP-23525) for a proposed 414-unit condominium subdivision on the subject site.
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
11/07/06	A stockpile permit (#75596) was issued for the Centennial 15 single-family residential project at 10701 West Centennial Parkway.
<i>Pre-Application Meeting</i>	
07/17/07	The site received entitlements on 06/20/07 for 414 multi-family units and a maximum height of three stories or 44 feet. The tentative map will be a public hearing, as a variance is also required to allow perimeter wall heights to exceed code allowances. According to the applicant, the existing site conditions require the higher walls. Minor site changes from the approved Site Development Plan Review are permitted as long as the number of lots, density, height and other requirements are not changed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

VAR-23524 - Staff Report Page Three
September 13, 2007 - Planning Commission Meeting

Field Check	
08/07/07	The subject site is undeveloped with no adjacent development. There are several dry washes running west to east across the site. A portion of dirt has been moved, and there is a construction road running through the site with a gate on Centennial Parkway. A dust control permit number is posted, as well as the sign advertising the recently approved General Plan Amendment.

Details of Application Request	
Site Area	
Gross Acres	15.5
Net Acres	14.7

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	H (High Density Residential)	PD (Planned Development) under Resolution of Intent to R-4 (High Density Residential)
North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot) Cliff's Edge Special Land Use Designation]
South	Undeveloped	PF-CC (Public Facilities – Clark County Designation)	U (Undeveloped)
East	Undeveloped	PF-CC (Public Facilities – Clark County Designation)	U (Undeveloped)
East	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

VAR-23524 - Staff Report Page Four
September 13, 2007 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Per Title 19.12.075, the following wall and fence standards pertain to the subject property:

Property Line Location	Allowed Height	Provided Height	Compliance/ Deviation
Retaining Walls: <ul style="list-style-type: none"> North South (APN 126-25-101-005) South (APN 126-25-101-002) East West 	Max. 6 feet Max. 6 Feet Max. 6 feet Max. 6 feet Max. 6 feet	6-12 feet 2-6 feet 4-10 feet 4-12 feet 6 feet	N (0-100%) Y N (0-67%) N (0-100%) Y
Screening Walls/Fences: <ul style="list-style-type: none"> North South (APN 126-25-101-005) South (APN 126-25-101-002) East West 	6-8 feet 6-8 Feet 6-8 feet 6-8 feet 6-8 feet	3.5 feet 3.5 feet 3.5 feet 3.5 feet 3.5 feet	N (42%) N (42%) N (42%) N (42%) N (42%)
Total Combined Wall Height: <ul style="list-style-type: none"> North South (APN 126-25-101-005) South (APN 126-25-101-002) East West 	Max. 12 feet Max. 12 feet Max. 12 feet Max. 12 feet Max. 12 feet	9.5-15.5 feet 5.5-9.5 feet 7.5-13.5 feet 7.5-15.5 feet 9.5 feet	N (0-29%) Y N (0-12.5%) N (0-29%) Y

APN 126-25-101-005 refers to the southernmost lot on the site; APN 126-25-101-005 refers to the easternmost lot on the site.

ANALYSIS

The average natural slope across the site is greater than two percent, and at least five drainage swales cross the site. Per Title 19.12.075, if the natural slope of a parcel that will contain a screening wall is greater than two percent, and a retaining wall will be required, the maximum height of the retaining wall shall be six feet; the minimum height of the screening wall shall be six feet, with the maximum height eight feet; and the total height of both walls shall not exceed 12 feet, measured from the finished grade from the lower side of the wall to the top of the wall, and a maximum height of eight feet measured from the finished grade on the higher side of the wall to the top of the wall. In cases where more than six feet of retaining is needed, the Code allows four-foot walls to be constructed with landscaped four-foot offsets to mitigate visual impact of the walls.

VAR-23524 - Staff Report Page Five
September 13, 2007 - Planning Commission Meeting

The proposed tentative map shows retaining walls ranging from six to 12 feet on the north property line; from four to 12 feet on the east property line; from two to six feet on the south, and from four to 10 feet along the southern edge of APN 126-25-101-002. A 3.5-foot wrought iron screen fence is proposed to be added to the retaining walls on all sides, bringing the maximum height of the walls to 15.5 feet from grade. The applicant claims the taller walls are needed due to the steep existing cross slopes, deep washes crossing the site, large building footprints, and limitations on grading to meet ADA accessibility requirements.

Staff recognizes that existing site conditions create a challenge to building compliant walls at the natural washes. However, the submitted tentative map and detail drawings indicate that enough room is available to offset smaller retaining walls at other areas along the north, east and south property lines. An alternative building layout would mitigate on-site grading difficulties. The hardship is therefore self-imposed.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing the development in such a way that 15.5-foot walls are required at the perimeter of the site. An alternative site plan layout would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

VAR-23524 - Staff Report Page Six
September 13, 2007 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 40 (Mailed with TMP-23525)

APPROVALS 0

PROTESTS 0